



Rep. Dave Winters

**Filed: 4/7/2005**

09400HB3131ham001

LRB094 08503 DRH 44521 a

1 AMENDMENT TO HOUSE BILL 3131

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3131 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section  
5 26-3e as follows:

6 (105 ILCS 5/26-3e new)

7 Sec. 26-3e. Report of chronic or habitual truants.  
8 Beginning on July 1, 2006, the clerk or secretary of the school  
9 board of all school districts shall furnish quarterly on the  
10 first school day of October, January, April, and July to the  
11 Secretary of State, on a form prescribed by the Secretary, a  
12 list of every pupil certified to be a chronic or habitual  
13 truant, as defined in Section 26-2a. The list shall also  
14 include the name of any pupil previously certified to be a  
15 chronic or habitual truant who has resumed regular school  
16 attendance.

17 Section 10. The Illinois Vehicle Code is amended by  
18 changing Sections 6-107, 6-107.1, 6-108, and 6-201 as follows:

19 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

20 Sec. 6-107. Graduated license.

21 (a) The purpose of the Graduated Licensing Program is to  
22 develop safe and mature driving habits in young, inexperienced

1 drivers and reduce or prevent motor vehicle accidents,  
2 fatalities, and injuries by:

3 (1) providing for an increase in the time of practice  
4 period before granting permission to obtain a driver's  
5 license;

6 (2) strengthening driver licensing and testing  
7 standards for persons under the age of 21 years;

8 (3) sanctioning driving privileges of drivers under  
9 age 21 who have committed serious traffic violations or  
10 other specified offenses; and

11 (4) setting stricter standards to promote the public's  
12 health and safety.

13 (b) The application of any person under the age of 18  
14 years, and not legally emancipated by marriage, for a drivers  
15 license or permit to operate a motor vehicle issued under the  
16 laws of this State, shall be accompanied by the written consent  
17 of either parent of the applicant; otherwise by the guardian  
18 having custody of the applicant, or in the event there is no  
19 parent or guardian, then by another responsible adult.

20 No graduated driver's license shall be issued to any  
21 applicant under 18 years of age, unless the applicant is at  
22 least 16 years of age and has:

23 (1) Held a valid instruction permit for a minimum of 3  
24 months.

25 (2) Passed an approved driver education course and  
26 submits proof of having passed the course as may be  
27 required.

28 (3) certification by the parent, legal guardian, or  
29 responsible adult that the applicant has had a minimum of  
30 25 hours of behind-the-wheel practice time and is  
31 sufficiently prepared and able to safely operate a motor  
32 vehicle.

33 (b-1) Beginning July 1, 2006, no graduated driver's license  
34 shall be issued to any applicant who is under the age of 18

1 years and who has been certified to be a chronic and habitual  
2 truant, as defined in Section 26-2a of the School Code.

3 An applicant under the age of 18 years who provides proof  
4 that he or she has resumed regular school attendance or that  
5 his or her application was denied in error shall be eligible to  
6 receive a graduated license if other requirements are met. The  
7 Secretary shall adopt rules for implementing this subsection  
8 (b-1).

9 (c) No graduated driver's license or permit shall be issued  
10 to any applicant under 18 years of age who has committed the  
11 offense of operating a motor vehicle without a valid license or  
12 permit in violation of Section 6-101 of this Code and no  
13 graduated driver's license or permit shall be issued to any  
14 applicant under 18 years of age who has committed an offense  
15 that would otherwise result in a mandatory revocation of a  
16 license or permit as provided in Section 6-205 of this Code or  
17 who has been either convicted of or adjudicated a delinquent  
18 based upon a violation of the Cannabis Control Act or the  
19 Illinois Controlled Substances Act, while that individual was  
20 in actual physical control of a motor vehicle. For purposes of  
21 this Section, any person placed on probation under Section 10  
22 of the Cannabis Control Act or Section 410 of the Illinois  
23 Controlled Substances Act shall not be considered convicted.  
24 Any person found guilty of this offense, while in actual  
25 physical control of a motor vehicle, shall have an entry made  
26 in the court record by the judge that this offense did occur  
27 while the person was in actual physical control of a motor  
28 vehicle and order the clerk of the court to report the  
29 violation to the Secretary of State as such.

30 (d) No graduated driver's license shall be issued for 6  
31 months to any applicant under the age of 18 years who has been  
32 convicted of any offense defined as a serious traffic violation  
33 in this Code or a similar provision of a local ordinance.

34 (e) No graduated driver's license holder under the age of

1 18 years shall operate any motor vehicle, except a motor driven  
2 cycle or motorcycle, with more than one passenger in the front  
3 seat of the motor vehicle and no more passengers in the back  
4 seats than the number of available seat safety belts as set  
5 forth in Section 12-603 of this Code.

6 (f) No graduated driver's license holder under the age of  
7 18 shall operate a motor vehicle unless each driver and front  
8 or back seat passenger under the age of 18 is wearing a  
9 properly adjusted and fastened seat safety belt.

10 (g) If a graduated driver's license holder is under the age  
11 of 18 when he or she receives the license, for the first 6  
12 months he or she holds the license or until he or she reaches  
13 the age of 18, whichever occurs sooner, the graduated license  
14 holder may not operate a motor vehicle with more than one  
15 passenger in the vehicle who is under the age of 20, unless any  
16 additional passenger or passengers are siblings,  
17 step-siblings, children, or stepchildren of the driver.

18 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05.)

19 (625 ILCS 5/6-107.1)

20 Sec. 6-107.1. Instruction permit for a minor.

21 (a) The Secretary of State, upon receiving proper  
22 application and payment of the required fee, may issue an  
23 instruction permit to any person under the age of 18 years who  
24 is not ineligible for a license under paragraphs 1, 3, 4, 5, 7,  
25 or 8 of Section 6-103, after the applicant has successfully  
26 passed such examination as the Secretary of State in his  
27 discretion may prescribe.

28 (1) An instruction permit issued under this Section  
29 shall be valid for a period of 24 months after the date of  
30 its issuance and shall be restricted, by the Secretary of  
31 State, to the operation of a motor vehicle by the minor  
32 only when accompanied by the adult instructor of a driver  
33 education program during enrollment in the program or when

1 practicing with a parent, legal guardian, family member, or  
2 a person in loco parentis who is 21 years of age or more,  
3 has a license classification to operate such vehicle and at  
4 least one year of driving experience, and who is occupying  
5 a seat beside the driver.

6 (2) A 24 month instruction permit for a motor driven  
7 cycle may be issued to a person 16 or 17 years of age and  
8 entitles the holder to drive upon the highways during  
9 daylight under direct supervision of a licensed motor  
10 driven cycle operator or motorcycle operator 21 years of  
11 age or older who has a license classification to operate  
12 such motor driven cycle or motorcycle and at least one year  
13 of driving experience.

14 (3) A 24 month instruction permit for a motorcycle  
15 other than a motor driven cycle may be issued to a person  
16 16 or 17 years of age in accordance with the provisions of  
17 paragraph 2 of Section 6-103 and entitles a holder to drive  
18 upon the highways during daylight under the direct  
19 supervision of a licensed motorcycle operator 21 years of  
20 age or older who has at least one year of driving  
21 experience.

22 (b) An instruction permit issued under this Section when  
23 issued to a person under the age of 17 years shall, as a matter  
24 of law, be invalid for the operation of any motor vehicle  
25 during the same time the child is prohibited from being on any  
26 street or highway under the provisions of the Child Curfew Act.

27 (b-1) Beginning July 1, 2006, no instruction permit shall  
28 be issued to any applicant who is under the age of 18 years and  
29 who has been certified to be a chronic and habitual truant, as  
30 defined in Section 26-2a of the School Code.

31 An applicant under the age of 18 years who provides proof  
32 that he or she has resumed regular school attendance or that  
33 his or her application was denied in error shall be eligible to  
34 receive an instruction permit if other requirements are met.

1 The Secretary shall adopt rules for implementing this  
2 subsection (b-1).

3 (c) Any person under the age of 16 years who possesses an  
4 instruction permit and whose driving privileges have been  
5 suspended or revoked under the provisions of this Code shall  
6 not be granted a Family Financial Responsibility Driving Permit  
7 or a Restricted Driving Permit.

8 (Source: P.A. 90-369, eff. 1-1-98.)

9 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

10 Sec. 6-108. Cancellation of license issued to minor.

11 (a) The Secretary of State shall cancel the license or  
12 permit of any minor under the age of 18 years in any of the  
13 following events:

14 1. Upon the verified written request of the person who  
15 consented to the application of the minor that the license  
16 or permit be cancelled;

17 2. Upon receipt of satisfactory evidence of the death  
18 of the person who consented to the application of the  
19 minor;

20 3. Upon receipt of satisfactory evidence that the  
21 person who consented to the application of a minor no  
22 longer has legal custody of the minor; ~~and~~

23 4. Beginning July 1, 2006, upon receipt of information,  
24 submitted on a form prescribed by the Secretary of State  
25 under Section 26-3e of the School Code and provided  
26 voluntarily by nonpublic schools, that a license-holding  
27 or permit-holding minor no longer meets the school  
28 attendance requirements defined in Section 6-107 or  
29 6-107.1 of this Code.

30 A minor who provides proof acceptable to the Secretary  
31 that the minor has resumed regular school attendance or  
32 that his or her license or permit was cancelled in error  
33 shall have his or her license or permit reinstated. The

1        Secretary shall adopt rules for implementing this  
2        subdivision (a) 4.

3        After cancellation, the Secretary of State shall not issue  
4        a new license or permit until the applicant meets the  
5        provisions of Section 6-107 of this Code.

6        (b) The Secretary of State shall cancel the license or  
7        permit of any person under the age of 18 years if he or she is  
8        convicted of violating the Cannabis Control Act or the Illinois  
9        Controlled Substances Act while that person was in actual  
10       physical control of a motor vehicle. For purposes of this  
11       Section, any person placed on probation under Section 10 of the  
12       Cannabis Control Act or Section 410 of the Illinois Controlled  
13       Substances Act shall not be considered convicted. Any person  
14       found guilty of this offense, while in actual physical control  
15       of a motor vehicle, shall have an entry made in the court  
16       record by the judge that this offense did occur while the  
17       person was in actual physical control of a motor vehicle and  
18       order the clerk of the court to report the violation to the  
19       Secretary of State as such. After the cancellation, the  
20       Secretary of State shall not issue a new license or permit for  
21       a period of one year after the date of cancellation or until  
22       the minor attains the age of 18 years, whichever is longer.  
23       However, upon application, the Secretary of State may, if  
24       satisfied that the person applying will not endanger the public  
25       safety, or welfare, issue a restricted driving permit granting  
26       the privilege of driving a motor vehicle between the person's  
27       residence and person's place of employment or within the scope  
28       of the person's employment related duties, or to allow  
29       transportation for the person or a household member of the  
30       person's family for the receipt of necessary medical care or,  
31       if the professional evaluation indicates, provide  
32       transportation for the petitioner for alcohol remedial or  
33       rehabilitative activity, or for the person to attend classes,  
34       as a student, in an accredited educational institution; if the

1 person is able to demonstrate that no alternative means of  
2 transportation is reasonably available; provided that the  
3 Secretary's discretion shall be limited to cases where undue  
4 hardship would result from a failure to issue such restricted  
5 driving permit. In each case the Secretary of State may issue a  
6 restricted driving permit for a period as he deems appropriate,  
7 except that the permit shall expire within one year from the  
8 date of issuance. A restricted driving permit issued hereunder  
9 shall be subject to cancellation, revocation, and suspension by  
10 the Secretary of State in like manner and for like cause as a  
11 driver's license issued hereunder may be cancelled, revoked, or  
12 suspended; except that a conviction upon one or more offenses  
13 against laws or ordinances regulating the movement of traffic  
14 shall be deemed sufficient cause for the revocation,  
15 suspension, or cancellation of a restricted driving permit. The  
16 Secretary of State may, as a condition to the issuance of a  
17 restricted driving permit, require the applicant to  
18 participate in a driver remedial or rehabilitative program.  
19 Thereafter, upon reapplication for a license as provided in  
20 Section 6-106 of this Code or a permit as provided in Section  
21 6-105 of this Code and upon payment of the appropriate  
22 application fee, the Secretary of State shall issue the  
23 applicant a license as provided in Section 6-106 of this Code  
24 or shall issue the applicant a permit as provided in Section  
25 6-105.

26 (Source: P.A. 86-1450; 87-1114.)

27 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

28 Sec. 6-201. Authority to cancel licenses and permits.

29 (a) The Secretary of State is authorized to cancel any  
30 license or permit upon determining that the holder thereof:

31 1. was not entitled to the issuance thereof hereunder;

32 or

33 2. failed to give the required or correct information

1 in his application; or

2 3. failed to pay any fees, civil penalties owed to the  
3 Illinois Commerce Commission, or taxes due under this Act  
4 and upon reasonable notice and demand; or

5 4. committed any fraud in the making of such  
6 application; or

7 5. is ineligible therefor under the provisions of  
8 Section 6-103 of this Act, as amended; or

9 6. has refused or neglected to submit an alcohol, drug,  
10 and intoxicating compound evaluation or to submit to  
11 examination or re-examination as required under this Act;  
12 or

13 7. has been convicted of violating the Cannabis Control  
14 Act, the Illinois Controlled Substances Act, or the Use of  
15 Intoxicating Compounds Act while that individual was in  
16 actual physical control of a motor vehicle. For purposes of  
17 this Section, any person placed on probation under Section  
18 10 of the Cannabis Control Act or Section 410 of the  
19 Illinois Controlled Substances Act shall not be considered  
20 convicted. Any person found guilty of this offense, while  
21 in actual physical control of a motor vehicle, shall have  
22 an entry made in the court record by the judge that this  
23 offense did occur while the person was in actual physical  
24 control of a motor vehicle and order the clerk of the court  
25 to report the violation to the Secretary of State as such.  
26 After the cancellation, the Secretary of State shall not  
27 issue a new license or permit for a period of one year  
28 after the date of cancellation. However, upon application,  
29 the Secretary of State may, if satisfied that the person  
30 applying will not endanger the public safety, or welfare,  
31 issue a restricted driving permit granting the privilege of  
32 driving a motor vehicle between the person's residence and  
33 person's place of employment or within the scope of the  
34 person's employment related duties, or to allow

1 transportation for the person or a household member of the  
2 person's family for the receipt of necessary medical care  
3 or, if the professional evaluation indicates, provide  
4 transportation for the petitioner for alcohol remedial or  
5 rehabilitative activity, or for the person to attend  
6 classes, as a student, in an accredited educational  
7 institution; if the person is able to demonstrate that no  
8 alternative means of transportation is reasonably  
9 available; provided that the Secretary's discretion shall  
10 be limited to cases where undue hardship would result from  
11 a failure to issue such restricted driving permit. In each  
12 case the Secretary of State may issue such restricted  
13 driving permit for such period as he deems appropriate,  
14 except that such permit shall expire within one year from  
15 the date of issuance. A restricted driving permit issued  
16 hereunder shall be subject to cancellation, revocation and  
17 suspension by the Secretary of State in like manner and for  
18 like cause as a driver's license issued hereunder may be  
19 cancelled, revoked or suspended; except that a conviction  
20 upon one or more offenses against laws or ordinances  
21 regulating the movement of traffic shall be deemed  
22 sufficient cause for the revocation, suspension or  
23 cancellation of a restricted driving permit. The Secretary  
24 of State may, as a condition to the issuance of a  
25 restricted driving permit, require the applicant to  
26 participate in a driver remedial or rehabilitative  
27 program; or

28 8. failed to submit a report as required by Section  
29 6-116.5 of this Code; or -

30 9. is ineligible for a license or permit under Section  
31 6-107, 6-107.1, or 6-108 of this Code.

32 (b) Upon such cancellation the licensee or permittee must  
33 surrender the license or permit so cancelled to the Secretary  
34 of State.

1           (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
2 Secretary of State shall have exclusive authority to grant,  
3 issue, deny, cancel, suspend and revoke driving privileges,  
4 drivers' licenses and restricted driving permits.

5           (Source: P.A. 89-92, eff. 7-1-96; 89-584, eff. 7-31-96; 90-779,  
6 eff. 1-1-99.)

7           Section 99. Effective date. This Act takes effect upon  
8 becoming law.".